

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

MDL. No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO ALL  
ACTIONS

**CLASS PLAINTIFFS' ASSENTED-TO REQUEST FOR RESCHEDULING OF  
HEARING ON CLASS PLAINTIFF'S MOTION FOR CLASS CERTIFICATION  
AS TO TRACK II DEFENDANTS**

Class Plaintiffs and Track II Defendants hereby respectfully request that the Court reschedule the hearing on Class Plaintiffs' Motion for Class Certification as to Track II Defendants, previously scheduled for July 20, 2006, to September 12, 2006, or such other date as the Court's schedule would permit. The motion is assented-to by the applicable Defendants.

In support thereof, the parties state that they have conferred and have agreed upon the proposed rescheduled date given the significant number of other major issues before the parties and counsel. Counsel for Plaintiffs have conferred with the Court's clerk to determine that the proposed September 12, 2006 is available on the Court's calendar, but recognize that any rescheduling is subject to the Court's availability and discretion.

DATED: July 12, 2006

By /s/ Thomas M. Sobol

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DATED: July 12, 2006

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By /s/ Michael DeMarco

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**ATTORNEYS FOR AVENTIS  
PHARMACEUTICALS INC. AND ON  
BEHALF OF THE FOLLOWING TRACK II  
DEFENDANTS:**

**ABBOTT LABORATORIES, AMGEN INC.,  
AVENTIS PHARMACEUTICALS INC.,  
BAXTER HEALTHCARE CORP., BAXTER  
INTERNATIONAL INC., BAYER  
CORPORATION, DEY, INC., FUJISAWA  
HEALTHCARE INCORPORATION,  
FUJISAWA USA, INC.. HOECHST  
MARION ROUSSEL, INC., IMMUNEX  
CORPORATION, PFIZER, INC.,  
PHARMACIA CORP., PHARMACIA &  
UPJOHN, SICOR, INC. F/K/A GENESIA,  
INC., GENESIA SICOR  
PHARMACEUTICALS, INC. SICOR  
PHARMACEUTICALS, INC., WATSON  
PHARMACEUTICALS, INC., AND ZLB  
BEHRING L.L.C.**

**CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE**

Docket No. MDL 1456

I, Edward Notargiacomo, hereby certify that I am one of plaintiffs' attorneys and that, on July 12, 2006, I caused copies of **Class Plaintiffs' Assented-To Request For Rescheduling Of Hearing On Class Plaintiff's Motion For Class Certification As To Track II Defendants** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Edward Notargiacomo

Edward Notargiacomo